



C. The Clerk of the Court has created a service list in each Sample Case to ensure that all counsel, who have filed appearances in a member case that is part of Master Docket No. 16-cv-8727, will receive electronic case filing notices for any filings in the Sample Cases, so that they may monitor the progress of the Sample Cases. Accordingly, the parties' request for modification of Case Management Order No. 6 is moot.

D. All current and future counsel of record in the Sample Cases must read and comply with Case Management Orders prior to any filing. Case Management Orders are available on the Court's website under the MDL 2492 tab.

E. Any future noncompliance with these instructions shall result in the Clerk of the Court automatically striking the filing from Master Docket No. 16-cv-8727, and counsel will be responsible for re-filing any stricken document in the appropriate Sample Case within 10 days.

## **II. Instructions for the Clerk of the Court**

A. In order to manage and control Master Docket No. 16-cv-8727, the Court issues the following instructions to the Clerk of the Court.

B. For all future filings that do not comply with the "Instructions to Counsel" outlined above, unless otherwise directed by the Court, the Clerk of the Court is ordered to strike any filing made in Master Docket No. 16-cv-8727 by counsel of parties in a Sample Case if the filing relates solely to a Sample Case.

## **III. Scheduling Order for the Sample Cases**

A.

Event	Deadline
Fed. R. Civ. P. 26(a)(1) Disclosures	45 days following the entry of a scheduling order by the Court
Defendants in each sample case to answer or otherwise respond to the Complaint in such sample case	45 days following the entry of a scheduling order by the Court
Joinder of additional parties	3 months after rulings by the Court on any motion filed under Fed. R. Civ. P. 12
Amendment of pleadings	3 months after rulings by the Court on motions filed under Fed. R. Civ. P. 12 unless another deadline is set by the Court based on rulings on such motions

Event	Deadline
Completion of fact discovery on issues relating to class certification	12 months after rulings on motions filed under Fed. R. Civ. P. 12 <sup>2</sup>
Plaintiffs' expert report(s) in support of motion(s) for class certification	30 days after close of fact discovery
Plaintiffs' motion(s) for class certification	60 days after close of fact discovery
Defendants to depose Plaintiffs' expert(s)	45 days after service of Plaintiffs' expert report(s)
Defendants' responses in opposition to Plaintiffs' motion(s) for class certification	90 days after service of Plaintiffs' motion(s) for class certification
Defendants' expert report(s) in opposition to Plaintiffs' motion(s) for class certification	60 days after filing of Plaintiffs' motion(s) for class certification
Plaintiffs to depose Defendants' expert(s)	45 days after service of Defendants' expert report(s)
Plaintiffs' replies in support of motion for class certification	90 days after filing of Defendants' response(s) in opposition to motion(s) for class certification
Parties' joint status report regarding appropriate next steps in the litigation	30 days after ruling on motion(s) for class certification

B. Counsel of record in each of the Sample Cases shall confer with respect to and make good faith efforts to coordinate any common discovery in the Sample Cases.

C. As specified in the Case Management Schedule and Order on the Preservation of Defenses, all cases that were not selected as a Sample Case shall remain stayed, while the Sample Cases proceed on the above-noted schedule. *See* Case Management Schedule at ¶ III(F), ECF No. 91; Order on the Preservation of Defenses at ¶¶ 3–4, ECF No. 238.

D. Moreover, the Parties have stipulated and agreed that the Parties in the all cases that were not selected as a Sample Case do not waive and expressly preserve all available rights, arguments, claims and defenses (including but not limited to those with respect to venue, personal jurisdiction and any argument falling under Fed. R. Civ. P. 12(b)(6). *See* Case Management Schedule at ¶ III(F); Order on the Preservation of Defenses at ¶ 5. As specified in the Court's Order on the Preservation of Defenses, the time for Defendants in the cases not selected as sample cases to

file any third-party claims is also extended until further order of the Court, and any applicable statutes of limitations for filing third-party claims, including contribution claims, are expressly tolled until further order of the Court. *See* Order on the Preservation of Defenses at ¶ 6.

IT IS SO ORDERED on October 30, 2017.

A handwritten signature in black ink, appearing to read "John Z. Lee", written in a cursive style.

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John Z. Lee  
United States District Judge